

1 Neel Chatterjee (SBN 173985)
2 *nchatterjee@goodwinlaw.com*
3 **GOODWIN PROCTER LLP**
4 135 Commonwealth Drive
Menlo Park, California 94025-1105
Tel.: +1 650 752 3100
Fax.: +1 650 853 1038

5 Brett Schuman (SBN 189247)
6 *bschuman@goodwinlaw.com*
7 Rachel M. Walsh (SBN 250568)
rwalsh@goodwinlaw.com
8 **GOODWIN PROCTER LLP**
9 Three Embarcadero Center
San Francisco, California 94111
Tel.: +1 415 733 6000
Fax.: +1 415 677 9041

10 Attorneys for Defendant
11 OTTO TRUCKING LLC

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 WAYMO LLC,

16 Plaintiff,

17 v.

18 UBER TECHNOLOGIES, INC., *et al.*,

19 Defendants.

20 Case No.: 3:17-cv-00939-WHA

21 **OTTO TRUCKING LLC'S NOTICE TO**
JOIN AND ADOPT DEFENDANTS UBER
TECHNOLOGIES, INC'S AND
OTTOMOTTO LLC'S SUR-REPLY BRIEF
IN OPPOSITION TO PLAINTIFF
WAYMO LLC'S MOTION TO COMPEL
PRODUCTION OF DUE DILIGENCE
REPORT

22 Date: May 25, 2017

23 Time: 10:00 a.m.

24 Ctrm: F, 15th Floor

25 Judge: The Honorable Jacqueline Scott Corley

26 Trial Date: October 2, 2017

1 TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT Defendant Otto Trucking LLC (“Otto Trucking”) hereby
 3 joins and adopts Defendants Uber Technologies, Inc.’s (“Uber”) and Ottomotto LLC’s (“Ottomotto”)
 4 Sur-Reply in Opposition to Plaintiff Waymo LLC’s (“Waymo”) Motion to Compel Production of
 5 Due Diligence Report. The hearing on the Motion is set for May 25, 2017 at 10:00 a.m. before the
 6 Honorable Jacqueline Scott Corley. In support, Otto Trucking states as follows:

- 7 1. Waymo filed a Complaint on February 23, 2017 (Dkt. No. 1) and an Amended Complaint
 8 on March 10, 2017 (Dkt. No. 23) asserting seven causes of action equally against all
 9 Defendants, alleging trade secret misappropriation, patent infringement, and unfair
 10 competition.
- 11 2. On May 1, 2017, Waymo filed a Motion to Compel the Production of Withheld
 12 Documents (Dkt No. 321) seeking the production of documents and information
 13 pertaining to all of Defendants Uber, Ottomotto, and Otto Trucking.
- 14 3. On May 8, 2017, Co-Defendants Uber and Ottomotto filed a Brief in Opposition to
 15 Waymo’s Motion to Compel. Defendant Otto Trucking joined and adopted this brief.
- 16 4. On May 17, 2017, Magistrate Judge Corley issued an order permitting Defendants Uber
 17 and Ottomotto to file a four-page sur-reply in support of their opposition to Waymo’s
 18 motion to compel. Co-Defendants Uber and Ottomotto filed their sur-reply on May 19,
 19 2017.
- 20 5. Otto Trucking joins and adopts, as if set out verbatim herein, the arguments, authorities,
 21 contentions, exhibits, attachments, and prayers of Co-Defendants Uber and Ottomotto set
 22 forth in Co-Defendants’ Sur-Reply in Opposition to Waymo’s Motion to Compel
 23 Production of Due Diligence Report, filed with this Court on May 19, 2017, for the reason
 24 that said motion is equally applicable to this Defendant in the above captioned matter.
- 25 6. Otto Trucking joins and adopts Co-Defendants’ Sur-Reply Brief in order to best serve
 26 justice and avoid unnecessary or duplicative effort, time, or expense to the parties
 27 involved.

1 WHEREFORE, Defendant Otto Trucking LLC hereby joins and adopts Co-Defendants' Sur-
2 Reply in Opposition to Plaintiff's Motion to Compel Production of Due Diligence Report.

3 Dated: May 19, 2017

4 Respectfully submitted,

5 By: /s/ Neel Chatterjee

6 Neel Chatterjee
7 *nchatterjee@goodwinlaw.com*
8 GOODWIN PROCTER LLP
9 135 Commonwealth Drive
Menlo Park, California 94025
Tel.: +1 650 752 3100
Fax.: +1 650 853 1038

10 Brett Schuman
bschuman@goodwinlaw.com
11 Rachel M. Walsh
rwalsh@goodwinlaw.com
12 GOODWIN PROCTER LLP
13 Three Embarcadero Center
San Francisco, California 94111
Tel.: +1 415 733 6000
Fax.: +1 415 677 9041

14 Attorneys for Defendant
15 OTTO TRUCKING LLC

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **May 19, 2017**. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct.

Executed May 19, 2017.

/s/ Neel Chatterjee
Neel Chatterjee